

1 Robert S. Green (State Bar No. 136183)

GREEN WELLING LLP

2 595 Market Street, Suite 2750

San Francisco, CA 94105

3 Telephone: (415) 477-6700

Facsimile: (415) 477-6710

4 Liaison Counsel for Plaintiffs

5 Joseph H. Meltzer (*Admitted Pro Hac Vice*)

6 Edward W. Ciolko (*Admitted Pro Hac Vice*)

Lisa Mellas

7 **SCHIFFRIN BARROWAY TOPAZ &**

KESSLER, LLP

8 280 King of Prussia Road

Radnor, PA 19087

9 Telephone: (610) 667-7706

Facsimile: (610) 667-7056

10 Lead Counsel for Plaintiffs

11
12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **OAKLAND DIVISION**

15 IN RE CALPINE CORPORATION ERISA
LITIGATION

) Master File No. C 03-1685 SBA

)

16 **CLASS ACTION**

)

17 THIS DOCUMENT RELATES TO:

)

18 ALL ACTIONS.

)

**STIPULATION and PROPOSED
ORDER EXTENDING PAGE LIMIT
ON MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

)

21
22
23
24
25
26
27
28

STIP. RE: PAGE EXT'N ON MOT. FOR PRELIMINARY APP. OF SETTLEMENT

Master File No. C 03-1685 SBA

1 Plaintiffs and Defendants hereby stipulate pursuant to Local Rules 7-11 and 7-12 as
2 follows:

3 The parties reached a settlement of the claims asserted in this action. The settlement
4 requires preliminary approval and notice to the class pursuant to Rule 23(e). Plaintiffs prepared a
5 motion for preliminary approval that exceeds the page limit for motions by approximately
6 15 pages. The extra pages are required to adequately provide the court with the information it
7 needs to assess the settlement, particularly in light of the fact that this is an ERISA action, that
8 has been considered by the District Court and the Ninth Circuit and is affected by a bankruptcy
9 filing by the primary defendant.

10 THEREFORE, the parties, by and through their respective counsel, hereby stipulate and
11 agree, and Plaintiffs request the Court to order that the page limit for the Motion for Preliminary
12 Approval of Settlement is 40 pages.

13
14 Dated: June 6, 2008

GREEN WELLING LLP

15
16 By: /s/
Robert S. Green

17
18 595 Market Street, Suite 2750
San Francisco, CA 94105
Telephone: (415) 477-6700
19 Facsimile: (415) 477-6710

20 Liaison Counsel for Plaintiffs

21 Joseph H. Meltzer (*Admitted Pro Hac Vice*)
22 Edward W. Ciolko (*Admitted Pro Hac Vice*)
Lisa Mellas

23 **SCHIFFRIN BARROWAY TOPAZ &
KESSLER, LLP**

24 280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
25 Facsimile: (610) 667-7056

26 Lead Counsel for Plaintiffs
27
28

1 Dated: June 6, 2008

MORRISON & FOERESTER LLP

2
3 By: /s/
Paul Flum

4 Melvin Goldman
5 425 Market Street
6 San Francisco, CA 94105
7 Phone: (415) 268-7000
8 Facsimile: (415) 268-7522

Counsel for Defendant Calpine Corporation

9 Dated: June 6, 2008

LATHAM & WATKINS LLP


10
11 By: /s/
12 John C. Tang

13 140 Scott Drive
14 Menlo Park, CA 94025
15 Telephone: (650) 463-4696
16 Facsimile: (650) 463-2600

Counsel for Individual Defendants

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18
19 Dated: 6/9/08


The Honorable Sandra B. Armstrong
United States District Judge

20
21
22 **GENERAL ORDER 45(X)**

23 I, Robert S. Green, am the ECF user whose ID and password are being used to file this
24 Stipulation and [Proposed] Order. In compliance with General Order 45 (X)(B), I hereby attest
25 that Paul Flum and John C. Tang concurred in this filing.

26 Dated: June 6, 2008

27 By: /s/
Robert S. Green

CERTIFICATE OF SERVICE

I, Leslie R. Cuesta, hereby declare as follows:

I am employed by Green Welling, A Limited Liability Partnership, 595 Market Street, Suite 2750, San Francisco, California 94105. I am over the age of eighteen years and am not a party to this action. On June 6, 2008, I served the within document(s):

**STIPULATION and (PROPOSED) ORDER EXTENDING PAGE
LIMIT ON MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

XX by placing the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth below.

_____ by personally delivering the document(s) listed above the person(s) at the address(es) set forth below.

_____ by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.

_____ by depositing the document(s) listed above in a sealed envelope with delivery fees provided for a FedEx pick up box or office designated for overnight delivery, and addressed as set forth below.

_____ by transmitting via facsimile the above listed document(s) to the fax number(s) set forth below on this date.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, executed June 6, 2008, at San Francisco, California.

/s/
Leslie R. Cuesta

IN RE CALPINE CORPORATION ERISA LITIGATION,
Master File No. C 03-01685 SBA

SERVICE LIST

Paul Flum
Melvin Goldman
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

Counsel for Defendant Calpine Corporation

Joseph H. Meltzer
Edward W. Ciolko
Lisa Mellas
**SCHIFFRIN BARROWAY TOPAZ &
KESSLER, LLP**
280 King Of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

Lead Counsel for Plaintiffs

Richard P. Bress
LATHAM & WATKINS
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004-1304
Telephone: (202) 637-2137
Facsimile: (202) 637-2201

Counsel for Individual Defendants

John C. Tang
Patrick E. Gibbs
LATHAM & WATKINS
140 Scott Drive
Menlo Park, CA 94025
Telephone: (650) 463-4696
Facsimile: (650) 463-2600

Counsel for Individual Defendants